

**PATENT****REMARKS**

Claims 1-12 and 14-20 are currently pending in this application. Claim 13 was previously canceled. Claims 1, 11, 12 and 14-18 have been amended. New claims 19 and 20 have been added. No new matter has been added by these amendments or additions. Applicants have carefully reviewed the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

**Claim Rejections Under 35 U.S.C. §102**

Claims 1, 10-12, 14 and 15 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,859,664 (Daum).

Independent claims 1 and 14 relate to assemblies that determine defibrillation thresholds based on a measured electric field and a predefined electric field value. For example, claim 1 recites in part, a system operative to generate a test pulse, measure an electric field resulting from the test pulse, and to determine a defibrillation threshold based on the measured electric field generated by the test pulse and a predefined electric field value required to defibrillate the heart.

Applicants submit that Daum fails to disclose the combinations of elements and features recited in independent claims 1 and 14 including at least, defibrillation threshold determination based on a measured electric field generated by a test pulse and a predefined electric field value required to defibrillate the heart. Accordingly, Applicants request reconsideration of the §102 rejections of claims 1 and 14 and their respective dependent claims.

Regarding dependent claims 11 and 15, Daum also fails to disclose the determination of defibrillation thresholds based on one of a measured near-field or far-field pacing threshold and a predefined scaling factor.

**PATENT****Claim Rejections Under 35 U.S.C. §103**

Claims 2-9 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Daum.

Regarding dependent claims 2-9, based on the foregoing analysis of independent claim 1 in view of Daum, Applicants believe that the rejections of claims 2-9 under §103 are rendered moot as these claims depend from allowable independent claim 1.

Independent claim 16 relates to a method of determining defibrillation thresholds and recites in part, determining a defibrillation threshold based on a measured electric field generated by a test pulse and a predefined electric field value required to defibrillate the heart. For the same reasons presented above with respect to independent claims 1 and 14, Applicants submit that Daum fails to disclose the combinations of elements and features recited in independent claim 16. Accordingly, Applicants request reconsideration of the §103 rejection of claim 16 and its respective dependent claims.

Regarding dependent claims 17 and 18 respectively, Daum also fails to disclose determining a defibrillation thresholds based on one of a measured near-field or far-field pacing threshold and a predefined scaling factor (claim 17), and measuring at least two of a test-pulse defibrillation threshold, a near-field-pacing-threshold defibrillation threshold and a far-field-pacing-threshold defibrillation threshold and thereafter computing a threshold average from the at least two measurements (claim 18).

**New Claims 19 and 20**

New claims 19 and 20 recite subject matter similar to claim 18 and are therefore believed allowable for the same reasons presented above with respect to claim 18.

**PATENT****CONCLUSION**

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, allowance of Applicants' claims 1-20 is believed to be in order.

Respectfully submitted,

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David S. Sarisky  
David S. Sarisky  
Attorney for Applicant  
Reg. No. 41,288  
818-493-3369

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